

DETAILED ACTION

Non-responsive Election

1. The election/amendment filed on February 25, 2008, withdrawing all claims drawn to the originally presented invention and presenting only claims drawn an invention that is patentably distinctive from that of the originally presented invention is non-responsive.

As noted in the previous office action, any attempt to elect any of the recently submitted claims 71-76 and 80-85 (which may be readable only on some of the species among Species 7-10, involving silicon nitride or aluminum oxide, instead of involving at least aluminum nitride as in the various originally presented inventions) may subject to further restrictions, given that these recently submitted claims are directed to an invention that is independent or distinct from the invention that involves at least aluminum nitride as originally presented and claimed. And, since applicant has received an action on the merits for the originally presented invention (involving at least aluminum nitride), this originally presented invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, as advised in the previous office action, claims 71-76 and 80-85 should be withdrawn from consideration as already being directed to a non-elected invention based on the originally presented invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the originally presented invention of various species that each involves at least aluminum nitride has been constructively elected by original presentation for

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prosecution on the merits in the previous office actions on merits, the election/amendment filed on February 25, 2008, which only elects an invention/species that is patentably distinctive from each of the various originally previously presented invention/species, apparently constitutes an attempt to switch inventions. However, Office generally does not permit shift, see MPEP § 809, which notes that the applicant cannot, as a matter of right, file a request for continued examination (RCE) to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined (i.e., applicant cannot switch inventions by way of an RCE as a matter of right).

Therefore, applicant is required to elect an invention/species that is readable on at least one of the variously presently invention/species involving at least aluminum nitride, so as to be fully and properly responsive to the Election/Restriction requirement set forth in the previous office action.

Since the above-mentioned election/amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shouxiang Hu whose telephone number is 571-272-

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1654. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Gurley can be reached on 571-272-1670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shouxiang Hu/
Primary Examiner, Art Unit 2811